

**REMARKS**

In response to the Restriction/Election Requirement mailed October 20, 2008, Applicants respectfully provisionally elect Species A, claim 3 with traverse and without prejudice to seek rejoinder or to continue prosecution of Species B in a divisional application. Claims 1-2 and 5-10 all read on the elected species.

The requirement is respectfully traversed because the non-elected claim is in the third level of dependency (i.e. the Patent Office recognizes that claims 1 and 2 are both generic and the two species each respectively depend from claim 2) and thus contain all of the limitations of those claims. Moreover, the International Search Report indicates that, *inter alia*, claim 2 is patentable. Still further, all of the claims except claim 4 read on the elected species, so the Patent Office is only avoiding examining one single aspect of a single dependent claim that merely recites a specific type of interferometer. Such a search could easily be encompassed within the keyword searches used by the Patent Office at a minimal burden through addition of the term found in claim 4. Indeed, given the subject matter, it is highly likely that a relevant search including the term “Mach-Zehnder interferometer” will have substantial overlap with one containing the term “Michelson interferometer” such that the number of non-overlapping additional references that would have to be reviewed would be minimal. Accordingly, it is respectfully submitted that the additional burden of examining Species B in conjunction with species A, if any, would be minimal and the election requirement should be withdrawn.

**AUTHORIZATION**

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, such extension is hereby petitioned and the Commissioner is further requested to grant that petition for such length extension of time needed to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to the above Deposit Account.

Respectfully submitted,

MORGAN & FINNEGAN, L.L.P.

Dated: November 11, 2008

By:



Richard Straussman

Registration No. 39,847

Mailing Address:

**Associated with Customer No.  
27123**